

272844 1/02519-0003

Rudolf E. Hutz, Jeffrey B. Bove, and Mary W. Bourke are members in good standing of the Bar of the State of Delaware. There are no pending disciplinary proceedings against any of them in any court.

Dated: March 25, 2008
New York, New York

**INGRAM YUZEK GAINEN CARROLL
& BERTOLOTTI, LLP**

By: 

David G. Ebert (DE 4078)
*Attorneys for Plaintiffs Pfizer Inc., Robert
Jarvik, M.D., and Jarvik Heart, Inc.*
250 Park Avenue
New York, New York 10177
Telephone: (212) 907-9600
Facsimile: (212) 907-9681

To: Mitchell J. Rotbert
The Rotbert Law Group, LLC
7315 Wisconsin Avenue
Suite 1250 West
Bethesda, Maryland 20814
*Attorneys for Defendant
Mathew I. Gelfand, M.D.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PFIZER INC,
ROBERT JARVIK, M.D.,
JARVIK HEART, INC.,

Plaintiffs,

v.

MATHEW I. GELFAND, M.D.,

Defendant.

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x

Civil Action No. 08 Civ. 2018 (LAK) (JCF)

ECF case

**AFFIDAVIT OF DAVID G. EBERT
IN SUPPORT OF APPLICATION
FOR ADMISSION PRO HAC VICE**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

DAVID G. EBERT, being duly sworn, deposes and says:

1. I am a member of Ingram Yuzek Gainen Carroll & Bertolotti, LLP, counsel for plaintiffs Pfizer, Inc., Robert Jarvik, M.D., and Jarvik Heart, Inc. in the above-captioned action. I submit this affidavit in support of my application under Local Civil Rule 1.3(c) to admit Rudolf E. Hutz, Jeffrey B. Bove, and Mary W. Bourke *pro hac vice* as counsel for plaintiffs in this action.

2. I am a member of good standing of the bar of the State of New York and was admitted to practice law in 1987. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Hutz, Mr. Bove, and Ms. Bourke are members of the firm of Connolly Bove Lodge & Hutz LLP in Wilmington, Delaware.

4. Mr. Hutz, Mr. Bove, and Ms. Bourke are experienced patent litigators who have represented Pfizer, Inc. and other companies in New York and other areas of the country. Based on their background, experience, and prior relationship with Pfizer, it is in the interest of all concerned for Connolly, Bove, Lodge & Hutz, LLP, to represent plaintiffs in this action.

5. Although Ingram Yuzek Gainen Carroll & Bertolotti, LLP, will act as local counsel, we anticipate that Connolly, Bove, Lodge & Hutz, LLP will do the bulk of the substantive work on this case.

6. Accordingly, I am pleased to move the admission *pro hac vice* of Rudolf E. Hutz, Jeffrey B. Bove, and Mary W. Bourke.

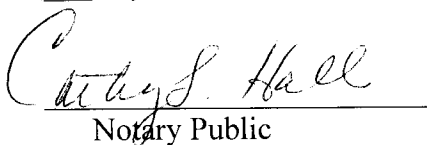
7. I respectfully submit a proposed order granting the admission of Rudolf E. Hutz, Jeffrey B. Bove, and Mary W. Bourke, *pro hac vice*, annexed hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Rudolf E. Hutz, Jeffrey B. Bove, and Mary W. Bourke, *pro hac vice*, to represent plaintiffs in the above-captioned action, be granted.



DAVID G. EBERT

Sworn to before me this
25th day of March, 2008



Notary Public

CATHY L. HALL
Notary Public, State Of New York
No. 01HA4844430
Qualified In Kings County
Commission Expires January, 3/2010

Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PFIZER INC,
ROBERT JARVIK, M.D.,
JARVIK HEART, INC.,

Plaintiffs,

V.

MATHEW I. GELFAND, M.D.,

Defendant.

X
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: Civil Action No. 08 Civ. 2018 (LAK) (JCF)
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: ECF case
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ORDER FOR ADMISSION
PRO HAC VICE
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X

Upon the application of Ingram Yuzek Gainen Carroll & Bertolotti, LLP, attorneys for Pfizer Inc., Robert Jarvik, M.D., and Jarvik Heart, Inc., and the affidavit of David G. Ebert, sworn to on March 25, 2008, it is hereby **ORDERED** that

Rudolf E. Hutz
Jeffrey B. Bove
Mary W. Bourke
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 N. Orange Street
Wilmington, Delaware, 19899
Telephone: (302) 658-9141
Facsimile: (302) 658-5614

are admitted to practice *pro hac vice* as counsel for Pfizer Inc., Robert Jarvik M.D., and Jarvik Heart, Inc., in the above-captioned action in the United States District Court for the Southern District of New York.

Dated: New York, New York
, 2008

Lewis A. Kaplan
United States District Judge

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ERIC RIVERA, being duly sworn, deposes and says:

That deponent is in the employ of Ingram Yuzek Gainen Carroll & Bertolotti, LLP, attorneys for Plaintiffs, is over 18 years of age and resides in Woodside, New York. On the 25th day of March, 2008 deponent served a copy of the within **MOTION TO ADMIT COUNSEL PRO HAC VICE** upon the following at the following address:

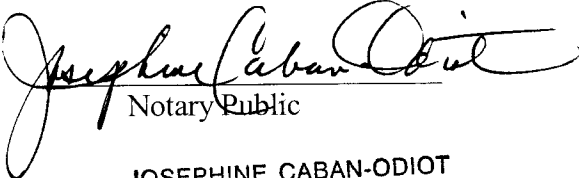
**Mitchell J. Rotbert, Esq.
The Rotbert Group, LLC
7315 Wisconsin Avenue
Suite 1250 West
Bethesda, Maryland 20814**

by depositing a true and correct copy of the same properly enclosed in a postpaid wrapper, in the official depository maintained and exclusively controlled by the United States.



ERIC RIVERA

Sworn to before me this
25th day of March, 2008.



Notary Public

**JOSEPHINE CABAN-ODIOT
Notary Public, State of New York
No. 01CA4705166
Qualified in Westchester County
Commission Expires Dec. 31, 2009**

AO 136 Certificate of Good Standing
(Delaware, Rev. 2/99)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF
GOOD STANDING

I, PETER T. DALLEO, Clerk of the United States District Court for the District of Delaware,

DO HEREBY CERTIFY THAT

Jeffrey B. Bove, Delaware Bar I.D. No. 998,

was duly admitted to practice in said Court

on the 13th day of December, 1979,

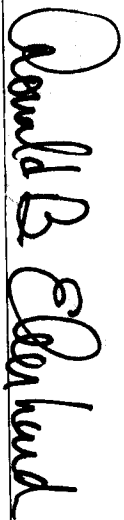
and is in good standing as a member of the bar of this Court.

Dated at Wilmington, Delaware

on the 18th day of March, 2008

PETER T. DALLEO, Clerk, U.S. District Court

BY: _____



Deputy Clerk

(Seal of the Court)

AO 136 Certificate of Good Standing
(Delaware, Rev. 2/99)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF
GOOD STANDING

I, PETER T. DALLEO, Clerk of the United States District Court for the District of Delaware,

DO HEREBY CERTIFY THAT

Rudolf E. Hutz, Delaware Bar I.D. No. 484,

was duly admitted to practice in said Court

on the 15th day of October, 1964,

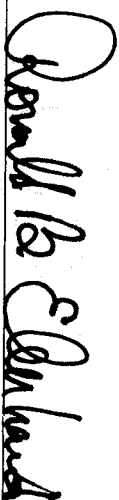
and is in good standing as a member of the bar of this Court.

Dated at Wilmington, Delaware

PETER T. DALLEO, Clerk, U.S. District Court

on the 18th day of March, 2008

BY: _____



Deputy Clerk

(Seal of the Court)

AO 136 Certificate of Good Standing
(Delaware, Rev. 2/99)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF
GOOD STANDING

I, PETER T. DALLEO, Clerk of the United States District Court for the District of Delaware,

DO HEREBY CERTIFY THAT

Mary W. Bourke, Delaware Bar I.D. No. 2356,

was duly admitted to practice in said Court

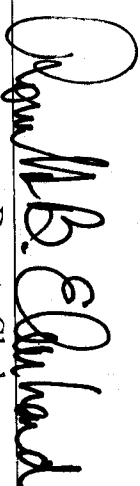
on the 5th day of November, 1986

and is in good standing as a member of the bar of this Court.

Dated at Wilmington, Delaware

PETER T. DALLEO, Clerk, U.S. District Court

on the 18th day of March, 2008

BY: 
Deputy Clerk
(Seal of the Court)